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2 **BEFORE THE ARIZONA MEDICAL BOARD**  
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4 **MARVIN L. GINSBURG, M.D.,**

MD-04-0702A

5 Holder of License No. 25958  
6 For the Practice of Allopathic  
7 Medicine In the State of Arizona,

**CONSENT AGREEMENT FOR LETTER  
OF REPRIMAND AND PRACTICE  
RESTRICTION**

8 Respondent.  
9

10 **RECITALS**

11 In the interest of a prompt and judicious settlement of the above-captioned matter  
12 before the Arizona Medical Board ("Board") and consistent with the public interest,  
13 statutory requirements and responsibilities of the Board and under A.R.S. § 41-  
14 1092.07(F)(5) and A.R.S. § 32-1451(F), MARVIN L. GINSBURG, M.D.  
15 ("Respondent"), holder of License No. 25958 for the practice of allopathic medicine in  
16 the State of Arizona, and the Board enter into the following Recitals, Findings of Fact,  
17 Conclusions of Law and Order ("Consent Agreement") as the final disposition of this  
18 matter.  
19

- 20 1. Respondent has read and understands this Consent Agreement as set forth  
21 herein, and has had the opportunity to discuss this Consent Agreement with an  
22 attorney or has waived the opportunity to discuss this Consent Agreement with  
23 an attorney. Respondent voluntarily enters into this Consent Agreement for the  
24 purpose of avoiding the expense and uncertainty of an administrative hearing.  
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- 1 2. Respondent understands that he has a right to a public administrative hearing  
2 concerning each and every allegation set forth in the above-captioned matter, at  
3 which administrative hearing he could present evidence and cross-examine  
4 witnesses. By entering into this Consent Agreement, Respondent freely and  
5 voluntarily relinquishes all right to such an administrative hearing, as well as all  
6 rights of rehearing, review, reconsideration, appeal, judicial review or any other  
7 administrative and/or judicial action, concerning the matters set forth herein.  
8 Respondent affirmatively agrees that this Consent Agreement shall be  
9 irrevocable.  
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11  
12 3. Respondent agrees that the Board may adopt this Consent Agreement or any part  
13 of this agreement, under A.R.S. § 32-1451(F). Respondent understands that this  
14 Consent Agreement or any part of the agreement may be considered in any  
15 future disciplinary action against him.  
16  
17 4. Respondent understands that this Consent Agreement does not constitute a  
18 dismissal or resolution of other matters currently pending before the Board, if  
19 any, and does not constitute any waiver, express or implied, of the Board's  
20 statutory authority or jurisdiction regarding any other pending or future  
21 investigation, action or proceeding. Respondent also understands that  
22 acceptance of this Consent Agreement does not preclude any other agency,  
23 subdivision or officer of this state from instituting other civil or criminal  
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1 proceedings with respect to the conduct that is the subject of this Consent  
2 Agreement.

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4 5. All admissions made by Respondent in this Consent Agreement are made solely  
5 for the final disposition of this matter, and any related administrative  
6 proceedings or civil litigation involving the Board and Respondent. This  
7 Consent Agreement is not to be used for any other regulatory agency  
8 proceedings, or civil or criminal proceedings, whether in the State of Arizona or  
9 any other state or federal court, except related to the enforcement of the Consent  
10 Agreement itself.  
11

12 6. Respondent acknowledges and agrees that, upon signing this Consent Agreement  
13 and returning this document to the Board's Executive Director, Respondent may  
14 not revoke his acceptance of the Consent Agreement or make any modifications  
15 to the document, regardless of whether the Consent Agreement has been issued  
16 by the Executive Director. Any modification to this original document is  
17 ineffective and void unless mutually approved by the parties in writing.  
18

19  
20 7. Respondent understands that the foregoing Consent Agreement shall not become  
21 effective unless and until adopted by the Board and signed by the Executive  
22 Director.  
23

24 8. Respondent understands and agrees that if the Board does not adopt this Consent  
25 Agreement, he will not assert as a defense that the Board's consideration of this  
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1 Consent Agreement constitutes bias, prejudice, prejudgment or other similar  
2 defense.

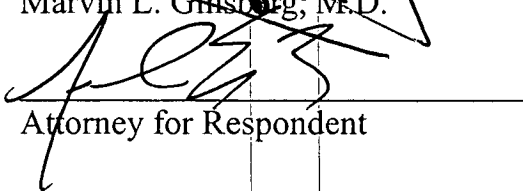
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4 9. Respondent understands that this Consent Agreement is a public record that may  
5 be publicly disseminated as a formal action of the Board, and shall be reported as  
6 required by law to the National Practitioner Data Bank and the Healthcare  
7 Integrity and Protection Data Bank.

8  
9 10. Respondent understands that any violation of this Consent Agreement constitutes  
10 unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) ([v]iolating a formal  
11 order, probation, consent agreement or stipulation issued or entered into by the  
12 board or its executive director under the provisions of this chapter) and may  
13 result in disciplinary action pursuant to A.R.S. § 32-1451.  
14

15 ACCEPTED BY:

16 DATED: 5/10/06

  
Marvin L. Ginsburg, M.D.

  
Attorney for Respondent

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19  
20 **FACTUAL ALLEGATIONS**

- 21 1. The Board is the duly constituted authority for the regulation and control of the  
22 practice of allopathic medicine in the State of Arizona.  
23 2. Respondent is the holder of license number 25958 for the practice of allopathic  
24 medicine in the State of Arizona.  
25 3. The Board initiated case number MD-04-0702 on June 2, 2004, after receiving  
26

1 information that Respondent had been disciplined by the Oregon Board of  
2 Medical Examiners who issued Respondent a Reprimand, assessed a fine of  
3 \$2,500.00 and restricted his license. The restriction mandated that Respondent  
4 "not perform colonoscopies, including sigmoidoscopy, or upper gastrointestinal  
5 endoscopic procedures without first completing a regimen of medical training in  
6 endoscopic procedures that is pre-approved by the Board's Medical Director."

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8  
9 4. The Oregon action was based on Respondent performing a number of  
10 endoscopic procedures on patients under conscious sedation at a clinic.  
11 Respondent did not have experience or training in this area except for conferring  
12 with, and observing, physicians performing the procedures. The clinic where  
13 these procedures were performed was not a certified surgical facility. In  
14 addition, the Oregon Board reviewed several patient cases where it expressed  
15 concern over the care rendered to the patients.  
16

17 5. The Board's medical consultant reviewed the charts of two of the patients  
18 reviewed by Oregon. He found that Respondent had deviated from the standard  
19 of care by performing endoscopic procedures without proper certification at a  
20 clinic that was not equipped to properly monitor patients who were under  
21 conscious sedation.  
22

### 23 CONCLUSIONS OF LAW

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25 1. The Board possesses jurisdiction over the subject matter hereof and over Marvin  
26

1 L. Ginsburg, M.D., (Respondent), holder of license number 25958, for the practice  
2 of allopathic medicine in the State of Arizona.

- 3
- 4 2. The conduct and circumstances described above constitute unprofessional conduct  
5 pursuant to A.R.S. § 32-1401(27)(o) – “Action that is taken against a doctor of  
6 medicine by another licensing or regulatory jurisdiction due to that doctor’s mental  
7 or physical inability to engage safely in the practice of medicine, the doctor’s  
8 medical incompetence or for unprofessional conduct as defined by that jurisdiction  
9 and that corresponds directly or indirectly to an act of unprofessional conduct  
10 prescribed by this paragraph. The action taken may include refusing, denying,  
11 revoking or suspending a license by that jurisdiction or a surrendering of a license  
12 to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that  
13 jurisdiction or placing a licensee on probation by that jurisdiction.”  
14
- 15
- 16 3. The conduct and circumstances described above constitute unprofessional conduct  
17 pursuant to A.R.S. § 32-1401(27)(II) – “Conduct that the board determines is gross  
18 negligence, repeated negligence or negligence resulting in harm to or the death of  
19 a patient.”  
20

21 **CONSENT ORDER**

22 **IT IS THEREFORE ORDERED** that:


- 23 1. Respondent, Marvin L. Ginsburg, M.D., License Number 25958 be issued a Letter  
24 of Reprimand for discipline received from another licensing jurisdiction for  
25 performing endoscopic procedures on patients without proper certification.  
26

2. Further, Respondent is restricted from performing colonoscopies, to include sigmoidoscopy, or upper gastrointestinal endoscopic procedures without first completing a regimen of medical training in endoscopic procedures. Training that is approved by the Oregon Board's Medical Director shall be considered sufficient to meet this requirement. Respondent shall provide the Arizona Board with proof that the Oregon Board of Medical Examiners has lifted its restriction.

DATED AND EFFECTIVE this 7<sup>th</sup> day of July, 2005.

ARIZONA MEDICAL BOARD

(SEAL)

  
By: Amanda J. Diehl, MPA  
Deputy Executive Director

Original of the foregoing filed  
this 8<sup>th</sup> day of July, 2005, with

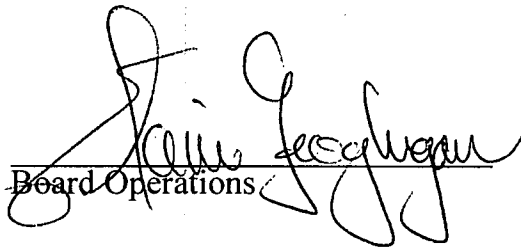
Arizona Medical Board  
9545 E. Doubletree Ranch Road  
Scottsdale, Arizona 85258

Executed copy of the foregoing mailed  
U.S. Certified Mail  
this 8<sup>th</sup> day of July, 2005, to:

Mr. Michael E. Bradford  
Bradford Law Offices, P.L.L.C.  
4131 N 24th St Ste C201  
Phoenix AZ 85016-6256

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Marvin L. Ginsburg, M.D.  
13757 Upper Cow Creek Road  
Azelea, OR 97410-9784

  
Board Operations

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